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01 JUL 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

LOHRAY et al.

Atty. Ref.: 4062-126

Serial No. 10/509,892

TC/A.U.: 1614

Filed: October 1, 2004

Examiner:

For: NOVEL ANTIINFECTIVE COMPOUNDS, PROCESS FOR
THEIR PREPARATION AND PHARMACEUTICAL
COMPOSITIONS CONTAINING THEM

* * * * *

July 1, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO AND REQUEST TO WITHDRAW ERRONEOUS
NOTIFICATION OF DEFECTIVE RESPONSE**

The Notification of Defective Response dated 06/03/2005 (copy attached) alleges that the applicant's submission of May 17, 2005 was defective because it did not include additional claim fees of \$1410.00.

However, page 2 of the May 17, 2005 submission explicitly included authorization to charge any required fees to our Account No. 14-1140. Therefore there was no deficiency and the Notice should be withdrawn.

Furthermore, the correct additional claim fees are not \$1410 but instead \$1210 calculated as shown below:

\$1210.00 for total claims over 20 (we have already paid for 2 extra independent claims with the filing of this application; therefore no additional fee for independent claims)

\$360.00 for multiple dependent claim surcharge

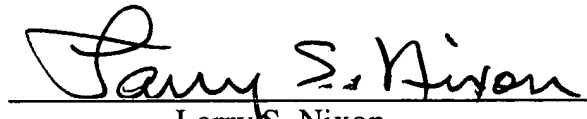
\$120.00 for extension fee

Just to insure that all §371 requirements have been met, applicant herewith attaches a Credit Card Payment Form for the correct \$1330.00 fee. And, the Communication/Director is again authorized to charge any additional required fees to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


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07/07/2005 ATRAN1 00000120 10509892

01 FC:1615	850.00 OP
02 FC:1616	360.00 OP
03 FC:1251	120.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/509,892	Braj Lohray	4062-126

INTERNATIONAL APPLICATION NO.

PCT/IN03/00081

LA. FILING DATE

PRIORITY DATE

03/26/2003

04/01/2002

23117

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ARLINGTON, VA 22203

DOCKETED

CONFIRMATION NO. 1055

371 FORMALITIES LETTER



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CLT/MATTER # 4062-126MAIL DATE 4-11-05DUE DATE Jun 11, 2005FINAL DEADLINE Nov 11, 2005DOCKETED BY pat

Date Mailed: 06/03/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 10/01/2004
- Copy of the International Search Report filed on 10/01/2004
- Copy of IPE Report filed on 10/01/2004
- Copy of Annexes to the IPER filed on 10/01/2004
- Preliminary Amendments filed on 10/01/2004
- Information Disclosure Statements filed on 10/01/2004
- Oath or Declaration filed on 05/17/2005
- Request for Immediate Examination filed on 10/01/2004
- Copy of references cited in ISR filed on 10/01/2004
- U.S. Basic National Fees filed on 10/01/2004
- Assignment filed on 05/17/2005
- Priority Documents filed on 05/17/2005

Applicant's response filed 05/17/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/11/2005 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1410 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1410** for a Large Entity:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is **\$ 1410**

- **\$200** for 3 independent claims over 3.
- **\$850** for 19 total claims over 20.
- **\$360** for multiple dependent claim surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/509,892	PCT/IN03/00081	4062-126